

# **Sealing Eviction Records in Massachusetts Under the New Law**

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## **Tenant Screening and Eviction Records**

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# Takeaways

1. Eviction records, if not sealed, can still be used to screen tenants - **seal when you can!**
2. Brokers and landlords can still look up eviction records from the Court if the record is not sealed.
3. Tenant screening companies are required to remove information that is sealed from a consumer report within 30 days of sealing.
4. Applications for housing or credit that seek information on prior evictions must have a required statement that can say “no record” where record is sealed.

# What is an eviction record?

Eviction records under the eviction record sealing law:

1. A non-payment eviction, a no-fault eviction or a fault eviction (summary process)
1. A “139/19” civil action brought based upon allegations of illegal activity in or around the apartment

filed in Housing, District/Municipal or Superior Court

# Can eviction records still be used to screen tenants if not sealed?

Landlords can still access eviction records from the courts and other sources if they are not sealed.

Once sealed, consumer reporting agencies have **30 days** to remove the record from the consumer report and calculation of any score.

# What can a landlord or broker ask about prior evictions on rental applications?

- Landlords can still ask you about eviction records on an application or in person.
- BUT, an application that asks about prior evictions must state:

*“An applicant for housing or credit with a sealed record on file with the court pursuant to section 16 of chapter 239 of the General Laws may answer ‘no record’ to an inquiry relative to that sealed court record.”*

# On an application, can I write that I don't have an eviction record if I was evicted?

- **YES!!** If ALL of your court records are sealed you can say: **“I have no record.”**
- But if you have any eviction court records that are not sealed you must still disclose those records.

# What can I do if a rental application does not include the required language?

- If an application requests information about prior evictions and does not include the required language, the Attorney General (AG) is responsible for enforcing this part of the law and will issue a warning to the landlord or broker.
- To report a defective application send an email with copies, photos, screenshots of the application attached to it to:  
[AGOApplicationReview@mass.gov](mailto:AGOApplicationReview@mass.gov)

**Required Language:**  
*“An application for housing or credit with a sealed record on file with the court pursuant to section 16 of chapter 239 of the General Laws may answer ‘no record’ to an inquiry relative to that sealed court record.”*

# What will the Attorney General do to enforce the law?

- If the landlord does not correct the application and include required language in the application within 90 days, the Attorney General can seek legal action to enforce the law.
- The AG is putting together a list of landlords and others who have been notified that their application does not follow the law; it will be posted soon so you can check to see if a landlord is on notice of a violation.



# **Will tenant screening companies still report unsealed evictions?**

- Tenant screening companies are required to remove information that is sealed from a consumer report within 30 days of sealing.
- Tenant screening companies may continue to report out of state evictions.
- If a tenant screening company reports a sealed record you may request that this record be removed.
- Tenant screening companies can't use eviction records in a "tenant score" if the record is sealed.

# **What changes in tenant screening are likely to happen because of eviction record sealing?**

- Some landlord advocacy groups have suggested that landlords may rely more on credit scores because they may not be able to access eviction records.
- The changes may push landlords to rely on prior landlord references rather than eliminating applicants based upon prior court involvement.

# What can I do if a landlord denies me based on a sealed eviction record?

1. First check with the court to make sure it is sealed.
2. You can file a complaint with the Massachusetts Attorney General's office:

at [mass.gov/how-to/file-a-consumer-complaint](https://mass.gov/how-to/file-a-consumer-complaint)

or

Call Attorney General's Consumer Advocacy & Response Division, Consumer Hotline at (617) 727-8400

# **What requirements are there for landlords and agents if they access an automated tenant or credit report and deny me based (even in part) on an eviction record?**

They must send you a letter saying:

1. What was the reasons for the denial,
2. The source of the information, and
3. How to correct the information

# Strategies for challenging tenant screening reports denials based upon eviction records

1. Get a copy of the tenant screening report.
2. Dispute the accuracy if it includes sealed records or if the information is not accurate or complete.
3. Online disputes are easier to do than paper ones and will be resolved more quickly.
4. If the tenant screening company does not remove the eviction (and it is sealed) file a complaint with the attorney general's office.
5. Inaccuracy of a report is not a violation of the law unless the reporting agency does not have any process to ensure accuracy. They do not have to have 100% accuracy in their reports.

# Facing Unfair Denials

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